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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,964	01/14/2002	Scott Wilce	G08.005	2784
28062	7590	10/19/2006	EXAMINER	
BUCKLEY, MASCHOFF, TALWALKAR LLC 5 ELM STREET NEW CANAAN, CT 06840			CHARLES, DEBRA F	
			ART UNIT	PAPER NUMBER
			3691	

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/045,964

Applicant(s)

WILCE ET AL.

Examiner

Debra F. Charles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1,10,16, 17, 18, and 19 are rejected under 35 U.S.C. 102(a) as being anticipated by Rosen (US 005774553A).

For claims 1,10,16, 17, 18, and 19: Rosen disclose a method for performing a netting analysis of an agreement, the method comprising: receiving agreement information, said agreement information identifying a party and a counterparty(Col. 2, lines 45-65); comparing said agreement information with a netting rule(col. 14 all, col. 15, lines 1-50); and generating a netting determination for said agreement based at least in part on a result of said comparing(Col. 15, line 50-col. 16, line 52).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Re claims 2, 3, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen (US 005774553A) and Shulman et al.(US 2002/0152147A1).

Re claims 2, 7 and 8: Rosen fails to teach identifying a list of issues to evaluate for said agreement, and agreement agreement information further includes at least one of: a form of agreement; a governing law; a country of organization; a state or province of organization; a legal structure; an industry code; automatic early termination language; a parent company country of organization; a parent company legal structure; and an automatic early termination payment. However, Shulman et al. does teach A list of possible issues is provided to the user to assist the user in identifying issues that may be relevant to the stakeholders. This list includes, but is not limited to, some or all of the following: access, access to customers,

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access to products, accountability, accounting, advancement,
agreements, alliances, appeals, approvals, arbitration, attorneys fees,
authority, avoid conflict, benefits, bankruptcy, branding, capital, cash
flow, choices, commissions, communication, compensation,
competition, continue fighting, clarify roles, co-branding, confidence,
confidentiality, consistency, contracts, control, cost, co-workers,
create conflict, credit, curtail relationship, delay, discipline,
discrimination, discount, discounting, dissolution, distance,
distribution, duration, education, efficiency, ending, entry barriers,
environment, expand relationship, expansion, expectations, finality,
finances, financing, flexibility, foreclosure, foreseeability, formal
agreement, formats, forum, funding, future, good will, government
approvals, growth, harassment, indemnification, infrastructure,
injunction, inspections, inventory, investment, job description, judicial
decision, justice, language, legality, liability, licensing, limit exposure,
limit damage, management, margins, market access, market share,
marketability, mediation, misunderstanding, money, monopoly,
partners, past, pay money, personnel, placement, policies, pollution,
positioning, predation, predictability, present prestige, price,
probation, profit, profitability, promotion, product, productivity,

publicity, public relations, publication, quality, quality assurance, ranking, receive money, relationship, reliability, representation, representatives, reputation, resolve conflict, resolve dispute, respect, responsibility, revenge, royalties, rules, save time, settlement, supervision, supervisors, surprise, suspension, technology, time, timing, trade secrets, trust, understanding, waste time(para 0046).

Therefore, it would have been obvious to one of ordinary skill in the art the time the Applicant's invention was made to modify the teachings of Rosen to include the step of Shulman et al. The motivation to combine these references is facilitate agreement evaluation.

Per claim 3. Rosen shows netting rule is selected based at least in part on a first issue and said agreement information(col. 2, lines 40-65).

Claims 4, 5, 6, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen.(US 005774553A) and McKeon(US 5926552).

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Claims 4, 5, 6, 14 and 15: Rosen fails to teach database. However, McKeon does teach enter information recorded on the subscription agreement into database that is installed in a computer(col. 6, lines 25-40). Therefore, it would have been obvious to one of ordinary skill in the art the time the Applicant's invention was made to modify the teachings of Rosen to include the step of McKeon. The motivation to combine these references is McKeon indicates something is put onto and settled via the database.

Rosen disclose updating a net credit amount(col. 17, lines 1-67).

Claims 9, 11, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen (US 005774553A) and McKeon(US 5926552) in view of claims 1 and 6 and Cotton et al. (6076074A).

Re claims 9, 11, 12 and 13: Both Rosen and McKeon fail to teach agreement information associated with said at least first issue to evaluate, and wherein said at least first netting rule is associated with said at least first issue, said rule identified at least in part on said agreement information; and applying said at least first netting rule to

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said agreement information to arrive at a netting determination for said at least first issue. However, Cotton et al. does teach controlling agent and netting rules and the Gale-Shapley algorithm which is a set of business netting rules(Abstract, cols. 22-66). Therefore, it would have been obvious to one of ordinary skill in the art the time the Applicant's invention was made to modify the teachings of Rosen and McKeon to include the step of Cotton et al. The motivation to combine these references is to facilitate netting determination.

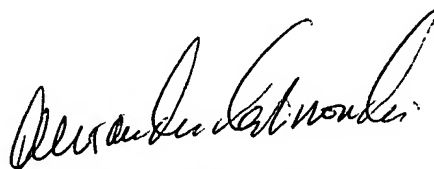
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (571) 272 6791. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on (571) 272 6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Debra F. Charles
Examiner
Art Unit 3691



ALEXANDER KALINOWSKI
SUPERVISORY PATENT EXAMINER